

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSHUA BRITO,

Plaintiff,

- against -

C.O. WILLIAMS, Captain CHARLES

Defendants.

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ROSLYNN R. MAUSKOPF, United States District Judge.

ORDER

14-CV-6670 (RRM) (LB)

On November 10, 2014, plaintiff *pro se* Joshua Brito, then-incarcerated at Franklin Correctional Facility, filed this action alleging that he was assaulted by corrections officers on September 6, 2014 while he was detained at Rikers Island. Brito's submission did not include the requisite filing fee or the *in forma pauperis* ("IFP") application and the prisoner authorization form. It was also missing an original signature, as required by Rule 11 of the Federal Rules of Civil Procedure. By letter dated February 10, 2015,¹ Brito was provided with the proper forms for filing a civil rights complaint, including the IFP and prisoner authorization forms, and instructed that in order to proceed with this action, he must sign the complaint and follow the instructions for filing a civil rights complaint within 14 days of the date of the letter. Brito has not responded to the Court's letter and the time for doing so has passed. Accordingly, the action is dismissed without prejudice for failure to prosecute.

The Clerk of Court is directed to close this case. The Clerk of Court is further directed to

¹ The Court sent two prior letters to Brito that were mailed to an incorrect address(Doc. Nos. 2, 5); and a third was mailed on November 17, 2014, but lacked the forms (Doc. No. 4). In an effort to make certain that Brito had the information and forms he needed, on January 15, 2015, another letter was sent to him at Franklin Correctional Facility, his address of record. (Doc. No. 6.) Upon learning from a search of records of the New York State Department of Corrections and Community Supervision ("DOCCS"), <http://nysdoccslookup.doccs.ny.gov>, that Brito had been recently moved to Fishkill Correctional Facility, the Court sent him a deficiency letter at that address on February 10, 2015. (Doc. No. 7.)

mail a copy of this Order and the accompanying Judgment to Brito at Elmira C.F., 1879 Davis St, P.O. Box 500, Elmira, New York 14901-0500, and to note the mailing on the docket.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal.

SO ORDERED.

Roslynn R. Mauskopf

Dated: Brooklyn, New York
April 15, 2016

ROSLYNN R. MAUSKOPF
United States District Judge